



# City Council Report

**Date:** December 13, 2004  
**To:** City Council  
**Through:** Mike Hutchinson, City Manager  
Paul Wenbert, Deputy City Manager  
**From:** Jack Friedline, Development Services Manager  
**Subject:** Construction of New City Court Building and  
Police Technical Services Building  
City of Mesa Project Numbers 01-850 and 01-258  
Council District No. 4

## Purpose and Recommendation

The purpose of this report is to provide information to the Council on the proposed construction of a new Court Building and a new Police Technical Services Building using the "Construction Manager at Risk" project delivery method.

It is recommended that Council approve staff's recommendation to proceed with these projects as outlined in this report.

## Background

The expanding population in Mesa has placed an increasing demand on the existing City Court facility and the Police Crime Laboratory and the development of new technology has made both facilities outdated. In addition, the necessity to have a nationally accredited forensic laboratory has made the construction of a new Police Technical Services Building a high priority with the Police and Court staff.

The existing City Court building located at 245 West Second Street was originally constructed over 20 years ago and was expanded in 1996. The court building currently provides offices and courtrooms for the City Court staff and City Prosecutors office. In addition, the existing Mesa Police Crime Lab is located in the building's basement. Last year, the City hired the architecture firm Durrant, to develop the program for a new Police Technical Services Building and to develop a conceptual plan for the facility. The location proposed was in the northeast corner of the Justice Complex located at 130 North Robson. This facility was proposed to be north of the Police Administration Building. A series of public meetings were held with the neighborhood on the site. Based on neighborhood input, a new proposal was developed. This new proposal calls for a new Technical Services Building to be located at the Justice Complex between the existing court building and parking garage.

It was also proposed to construct a new court building at the corner of First Avenue and South Pomeroy in lieu of expanding the existing Court Building, and to remodel the existing Court Building for use by the Police Department. Attached are Exhibits A and B which show conceptual plans for each site. This proposed concept was presented to the Finance committee in October 2003. Funding for these three projects was placed on the March 2004 City bond election and was approved by voters.

## Discussion

Design and construction of the new Police Technical Service Building and new City Court Building have now been included in the City Capital Improvement Program and into the FY 04/05 budget. Staff is ready to begin the design process and proposes to use the Construction Manager at Risk (CM@Risk) Construction method for these projects. With this method, the City selects the contractor early in the design process, based on their qualifications. The CM@Risk then assists the design team in the design of the project. The City currently has two other projects using this method, the Greenfield Water Reclamation Plant and the Apache Wells water line and gas line replacement project, and has found this method to have numerous benefits over the traditional low-bid process. Schedules for each of the proposed projects are attached at Exhibit C.

## Alternatives

Alternatives to the recommendation would be to not proceed with the projects or to proceed using the traditional design-bid-build method. Neither of these alternatives are recommended at this time. A possible consequence if the City does not proceed with the Technical Services Building is the City may lose its national laboratory accreditation. This may result in the loss of hundreds of thousands of dollars of grant money that is only available to accredited laboratories.

## Fiscal Impact – Capital Costs

The estimated costs for design and construction for the three projects are listed below. These costs were prepared last year and staff will update the cost estimates as part of the design process.

### Police Technical Services Building

Design	\$ 1,500,000.00
Construction, furniture and equipment	<u>\$18,500,000.00</u>
Total	\$20,000,000.00

### New City Court Building

Design	\$ 2,000,000.00
Construction, furniture and equipment	<u>\$24,000,000.00</u>
Total	\$26,000,000.00

### Remodel Existing City Court Building (Police)

Design	\$ 500,000.00
Construction, furniture and equipment	<u>\$5,000,000.00</u>
Total	\$5,500,000.00

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### **TOTAL CAPITAL COSTS FOR THREE PROJECTS \$51,500,000.00**

Funding for the Capital Improvements would come from voter approved Public Safety Bonds.

### **Fiscal Impact of Added Costs**

#### One Time Start-Up Costs

The new City Court Building will have a one-time start-up cost of approximately \$2.0 million. These costs include items such as multi-media equipment, file cabinets, chairs, tables, computer equipment, telephones, etc. It is anticipated that the new Technical Services Building and existing City Court Building would have minimal start-up costs for items such as telephones, file cabinets, copiers. Minimal start-up costs are due to the fact that no new staff will be added for these two projects.

#### Debt Service

The estimated debt service cost for all three projects is attached as Exhibit D. Annual interest payments on debt service would be approximately \$ 3.1 million after all three projects are completed by FY 09/10. Debt service would increase starting in Year 2025 based on pay back of principal payments on debt note.

#### Operations and Maintenance Costs

The estimated operations and maintenance costs for all three buildings are as follows per fiscal year. These would be added costs to the appropriate RC.

1. Technical Services Building - \$280,000 (Police)
2. Existing City Court Building - \$227,928 (Police)
3. New City Court Building - \$484,000 (City Court)

#### Staffing Costs

No new staff costs are anticipated for the Technical Services and existing City Court Building projects. New staff for the new City Court Building is a result of five additional courtrooms. New staffing costs when compared to the existing City Court facility is estimated to increase by approximately \$2,667,000. This figure is based on the first full year of operation starting in FY 09/10. RC's and their staffing costs

occupying the new City Court Building are as follows:

1. City Court - \$1,271,874
2. City Prosecutor - \$856,264
3. Police Security - \$284,106
4. Public Defender (contract) - \$255,000

Costs per courtroom are outlined on Exhibit E.

Total annual costs in the first full year of operation (FY 09/10) for all three building facilities, including debt service, are:

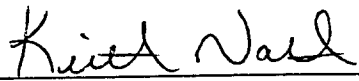
Debt Service	\$3,100,000
Operations and maintenance	\$ 991,928
<u>Additional Staff</u>	<u>\$2,667,244</u>

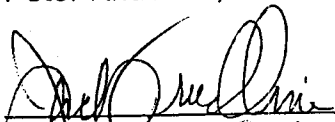
Annual cost      \$6,759,172

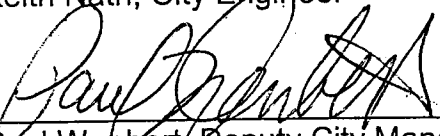
#### Concurrence


The Police Department, City Courts and City Prosecutor's office concur with this recommendation.

  
Peter Knudson, Assistant City Engineer

  
Keith Nath, City Engineer

  
Jack Friedline, Development Services  
Manager

  
Paul Webbert, Deputy City Manager

  
Mike Hutchinson, City Manager

# POLICE TECHNICAL SERVICES BUILDING

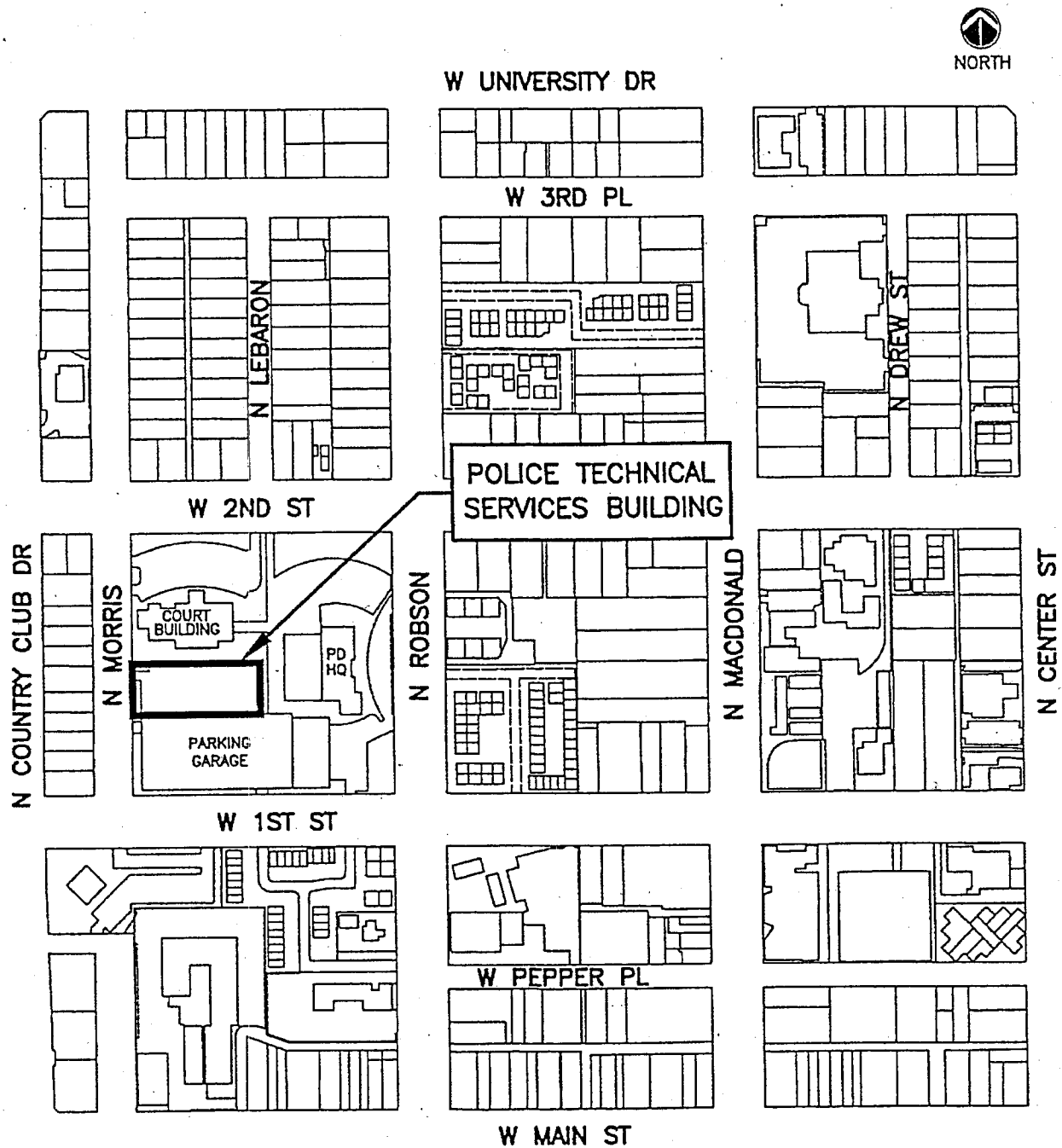


EXHIBIT "A"

# CITY COURT BUILDING

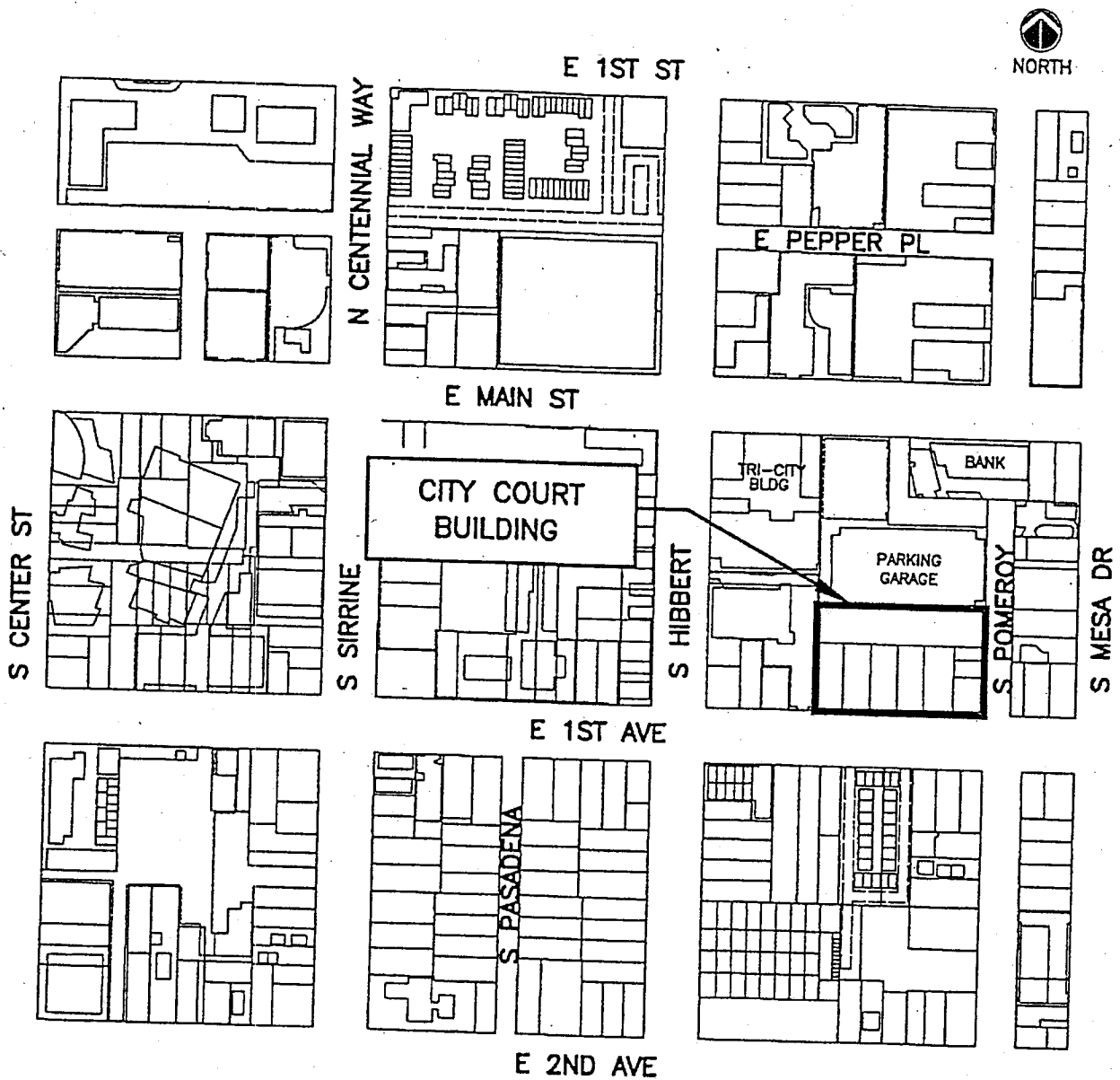


EXHIBIT "B"

## PRELIMINARY SCHEDULES

### NEW CITY COURT BUILDING

DESIGN	18 MONTHS
CONSTRUCTION	<u>24 MONTHS</u>
TOTAL	42 MONTHS

IF THE PROCESS BEGINS IN EARLY 2005, MOVE-IN WOULD BE LATE 2008

### POLICE TECHNICAL SERVICES BUILDING

DESIGN	14 MONTHS
CONSTRUCTION	<u>16 MONTHS</u>
TOTAL	30 MONTHS

IF THE PROCESS BEGINS IN EARLY 2005, MOVE IN WOULD BE IN LATE 2007

### REMODEL EXISTING COURT BUILDING

DESIGN	12 MONTHS
CONSTRUCTION	<u>9 MONTHS</u>
TOTAL	21 MONTHS

CONSTRUCTION CANNOT START UNTIL THE NEW COURT BUILDING IS COMPLETE.  
IF CONSTRUCTION BEGINS IN LATE 2008, MOVE IN WOULD BE MID-YEAR 2009

EXHIBIT "C"

# DEBT REPAYMENT SCHEDULE

	2004/05	1 2005/06	2 2006/07	3 2007/08	4 2008/09	5 2009/10	6 2010/11	20 2025/26	21 2026/27	22 2027/28	23 2028/29	24 2029/30	25 2030/31
NEW CITY COURT BUILDING	\$ 350,000	\$ 1,400,000	\$ 8,941,300	\$ 12,301,500	\$ 3,710,200	\$ -	\$ -	\$ 3,099,180	\$ 2,919,180	\$ 2,439,180	\$ 1,839,180	\$ 1,239,180	\$ 459,180
POLICE TECH SERV BUILDING	\$ 562,000	\$ 4,874,300	\$ 14,483,700	\$ -	\$ -	\$ -	\$ -	\$ 3,000,000	\$ 8,000,000	\$ 10,000,000	\$ 10,000,000	\$ 13,000,000	\$ 7,653,000
REMODEL EXISTING COURT BUILDING	\$ -	\$ -	\$ -	\$ 192,500	\$ 4,284,100	\$ 553,400	\$ -	\$ 6,099,180	\$ 10,919,180	\$ 12,439,180	\$ 11,839,180	\$ 14,239,180	\$ 8,112,180
FISCAL YEAR TOTALS	\$ 912,000	\$ 6,274,300	\$ 23,425,000	\$ 12,494,000	\$ 7,994,300	\$ 553,400	\$ -	\$ 11,000,000	\$ 21,000,000	\$ 31,000,000	\$ 44,000,000	\$ 51,653,000	\$ 51,653,000
Accumulated Issuances	\$ 7,186,300	\$ 30,611,300	\$ 43,105,300	\$ 51,099,600	\$ 51,653,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<b>Fiscal Year Costs of Debt Service:</b>													
Estimated Issuance Costs	\$ 9,120	\$ 62,743	\$ 234,250	\$ 124,940	\$ 79,943	\$ 5,534	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Debt Service - Annual Interest	\$ -	\$ 54,720	\$ 431,178	\$ 1,836,678	\$ 2,586,318	\$ 3,065,976	\$ 3,099,180	\$ 3,099,180	\$ 3,099,180	\$ 3,099,180	\$ 3,099,180	\$ 3,099,180	\$ 3,099,180
Principal Repayment	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total Fiscal Debt Service Payments	\$ -	\$ 54,720	\$ 431,178	\$ 1,836,678	\$ 2,586,318	\$ 3,065,976	\$ 3,099,180	\$ 3,099,180	\$ 3,099,180	\$ 3,099,180	\$ 3,099,180	\$ 3,099,180	\$ 3,099,180
Accumulated Principal Repayment	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

Assumptions:  
 Debt Issuance at the end of each fiscal year.  
 Debt is issued for 20 years.  
 Annual Interest Rate 6%  
 Debt Principal is scheduled to be repaid based on the existing GO Debt schedule, maintaining total GO principal repayments at approx. \$13M per fiscal year.  
 Estimated Issuance Costs 1%

Note 1: Debt Service costs are constant for fiscal years 2010/11 through 2025/26.



## New Court Building Staffing Information

### Background:

A study conducted by Durrant in October 2003 projected courtroom needs based upon projected case filings and population. The table below contains their projections.

Year	2002	2005	2010	2015	2020
Projected Population	427,550	480,164	540,608	567,741	593,962
Projected Annual Case Filings	83,400	93,663	105,454	110,746	115,861
Projected Courtrooms based on population	12.7	14.2	16.0	16.8	17.6
Projected Courtrooms Based on Case Filings	12.2	13.7	15.4	16.2	17.0

The new court building is proposed to meet these growth demands by adding more courtroom capacity. The Court must maintain the flexibility to accommodate any new special law enforcement programs and also to be able to process the volume of cases due to an increase in the number of police officers. The following table shows the needs for courtrooms now and in the future.

	Courtrooms
Current Building	8.0
Existing Unmet Need	2.5
FY 2006-07 Need	1.0
FY 2007-08 Need	1.5

TOTAL 13.0 Courtrooms at opening

When the new court building opens in FY 09-10, it is recommended that five new courtrooms be added. The details about each type of courtroom are shown below. The costs per courtroom are detailed in tables on the following page.

### Full Trial Courtrooms

Three full trial courtrooms are recommended. These three courtrooms operate fully staffed with a judge, prosecutor, public defender, and associated support staff. The costs for a full courtroom are shown below.

**One additional courtroom for arraignments.** This courtroom would consolidate the arraignments allowing the trial courts to focus on contested matters. If prosecutor and public defender resources were available to staff the courtroom, many cases would be resolved at the earliest possible stage in the proceedings. An arraignment courtroom delays the need for more trial courts.

## Exhibit E

**One additional trial courtroom.** This courtroom is required due to increased caseload.

**One additional jail courtroom.** The one jail courtroom currently in use has been pushed to its limits several years ago. Court staff cannot effectively manage the caseload or minimize County jail costs with only one jail courtroom. Court and Prosecutor costs for the additional courtroom are included in the figures in the report.

### Full Trial Courtroom Cost

The data reflected below shows the direct cost for Court and Prosecutor personnel, and furniture, fixtures, and equipment costs for one courtroom. There would be additional costs with the addition of multiple courtrooms.

Estimated Court Costs		Cost per Courtroom (current dollars)		Prosecutor Costs	
\$130,000	1.0 Judge	\$ 107,979	1.5 Asst City Prosecutor I		
\$ 91,000	2.5 Court Specialists	\$ 66,222	1.5 Legal Services Specialist		
\$ 21,700	.5 Spanish Interpreter	\$ 19,603	.5 Office Assistant I		
		\$ 21,466	.5 Victim Services Assistant		
\$242,700	Sub-total	\$ 215,270	Sub-total		
\$ 85,000	Contract Public Defender				
\$ 75,000	FF&E	\$ 43,780	FF&E		
\$402,700	Total Court Costs	\$ 259,050	Total Prosecutor Costs		
\$457,970	Total Personnel Cost				
\$118,780	Total FF&E Cost				
\$ 85,000	Contract Public Defender				
\$661,750	Total Estimated Cost per Courtroom				

The above costs are associated with one courtroom. When multiple courtrooms are added, there are additional costs for additional staff and supervisor resources as well as for the FF&E costs associated with the additional personnel.

### Operations/Supervision Costs per Three Courtrooms (current dollars)

(current dollars)

<u>Estimated Court Costs</u>		<u>Prosecutor Costs</u>	
Personnel Costs			
\$ 55,729	1.0 Court Supervisor	\$ 86,376	1.0 Prosecutor III
\$ 43,489	1.0 Collection Specialist	\$ 53,780	1.0 Supervising Legal Secretary
\$ 43,489	1.0 Lead Ct. Specialist		
\$142,707	Sub-total	\$ 140,156	Sub-total
\$ 20,000	FF&E	\$ 13,720	FF&E
<b>\$162,707</b>	<b>Total Court Costs</b>	<b>\$153,876</b>	<b>Total Prosecutor Costs</b>

### Specialty Courtrooms

The following three courtrooms are designed for special needs and handle particular types of cases apart from the fully-staff courtrooms. By utilizing these specialty courtrooms, fewer staff are needed and all courtrooms operate more efficiently.

**One/half Courtroom for Video Conferencing.** There is currently a very small space to conduct the proceedings utilizing video conferencing technology where the defendant is incarcerated at the Maricopa County Jail. Due to the limited space at the Court, the public is not able to be present in the courtroom during these video proceedings. Instead they must view the proceedings on monitors in the lobby of the Court building during the week and in the lobby of the Police Department on weekends and holidays, making the interaction with the Court more difficult.

**One additional courtroom for hearings.** This courtroom would be dedicated to Orders of Protection and walk-in defendants (people who come in at an unscheduled time). Currently, individuals seeking an Order of Protection and walk-in defendants are referred to a courtroom where other matters are already scheduled and fit in between the scheduled cases. This additional courtroom will provide victims more privacy and eliminate the interruption of court proceedings.

**One additional half courtroom for Civil Traffic Hearings.** This courtroom is required due to an increase in hearings on Civil Traffic cases.

The remaining staffing costs shown in the report facilitate operation of these specialty courtrooms.

### **Courtroom Safety**

In addition to the staffing and operational costs, the safety of the public, City staff, juries and judges is an important concern. Currently, Municipal Security Officers screen visitors to the Court building. Municipal Security Officers are not trained to or authorized to confront a defendant who has become violent. In such situations, staff are instructed to call 911 and await the next available patrol officer. The need to wait for officers also puts judges at a disadvantage in situations where the defendant should be immediately incarcerated.

A survey of benchmark cities in Arizona and the Southwest found that five courts have sworn officers or marshals in addition to some level of non-sworn security. Two use security staff but have police presence elsewhere in the building or in the adjacent building. And two cities use security staff and rely on 911 response for emergencies.

Rather than place a sworn police officer in the Court building to be ready for possible emergencies or immediate incarceration, it is recommended that the City hire a "City Court Marshal." The Court Marshal would have arrest powers and be trained to effectively manage potentially violent situations while awaiting Police back up. The Court Marshal also would patrol court hallways, possibly reducing the need for other court security, and assist in the administration of the home detention program. As this will be a new program to be recommended during the FY05-06/07-08 biennial budget process, it is expected that the Court Marshals will be on staff before the move to the new building.